

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Madeleine Ayer	Team: Squad #13	CCRB Case #: 201904239	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/11/2019 10:55 AM	Location of Incident: In front of 95-30 130th Street	Precinct: 102	18 Mo. SOL 11/11/2020	EO SOL 6/28/2021	
Date/Time CV Reported Sat, 05/11/2019 11:11 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/16/2019 11:00 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Khalid Ragab	07572	929002	102 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Khalid Ragab	Abuse: Detective Khalid Ragab stopped the vehicle in which § 87(2)(b) was an occupant.	
B.DT3 Khalid Ragab	Abuse: Detective Khalid Ragab threatened to arrest § 87(2)(b)	

Case Summary

On May 11, 2019, § 87(2)(b) filed this complaint with IAB by phone. The CCRB received this complaint on May 16, 2019.

On May 11, 2019, at approximately 10:55 a.m., § 87(2)(b)'s taxi was stopped in front of 95-30 130th Street in Queens by Detective Khalid Ragab of the 102nd Precinct Detective Squad (**Allegation A – Abuse of Authority: Vehicle Stop**, § 87(2)(g)). Det. Ragab ordered § 87(2)(b) to produce his license, registration, and insurance. When § 87(2)(b) refused, Det. Ragab threatened § 87(2)(b) with arrest (**Allegation B – Abuse of Authority: Threat of Arrest**, § 87(2)(g)). No summons or arrest resulted from this incident.

§ 87(2)(b) recorded the car stop with his vehicle's dashcam. The original footage is attached to IA #69 and summarized in IA #91 (**Board Review 01, Board Review 02**). There is no other video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Khalid Ragab stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he was driving his taxi on Atlantic Avenue in Queens with a passenger, whose name he did not know, in the backseat. As he stopped at an intersection to make a left turn onto 130th Street, an unmarked vehicle, which was approaching in the opposite direction, stopped at the same intersection to make a left turn. § 87(2)(b) did not know that the driver, Det. Ragab, was an officer, or that the unmarked vehicle was a police vehicle. Though § 87(2)(b) had his left turn signal on, which was visible on both the roof and front of the taxi, he also made a gesture with his left hand to ensure Det. Ragab knew he was turning to avoid a collision. The gesture consisted of bringing the tips of his fingers together several times in rapid succession. § 87(2)(b) did not notice Det. Ragab make any gesture in response. Det. Ragab pulled over § 87(2)(b)'s taxi two blocks later (**Board Review 03**).

Det. Ragab testified that § 87(2)(b)'s vehicle had both hazard lights, which he said were located on the roof of the taxi, activated, and that § 87(2)(b) was rapidly opening and closing both of his hands. Det. Ragab was confused by his hand gestures; he “didn’t know what was going on.” Det. Ragab also observed a passenger in the backseat, which aroused his suspicion that the passenger could be robbing § 87(2)(b). These factors led Det. Ragab to conclude that § 87(2)(b) was in distress, so Det. Ragab pulled over § 87(2)(b)'s taxi (**Board Review 04**).

It is undisputed that Det. Ragab told § 87(2)(b) that he pulled him over because he thought there was an emergency. § 87(2)(b)'s dashcam captures the following exchange, beginning at the 02:24 timestamp of the media player, which is visible at the bottom of the media player screen: After § 87(2)(b) pulls over, Det. Ragab exits his vehicle and walks over to § 87(2)(b)'s taxi. Det. Ragab asks § 87(2)(b) what he had been doing. § 87(2)(b) responds that he had made a left turn and that his turn signal had been on. Det. Ragab tells § 87(2)(b) that he pulled him over because he thought there had been an emergency, to which § 87(2)(b) responds, “No, no, no.” Later in the exchange, beginning at 04:36, § 87(2)(b) asks Det. Ragab why he pulled him over. Det. Ragab responds, “I already told you why I pulled you over. Because you had a flashing—” § 87(2)(b) interrupting, says that light is a turn indicator and asks Det. Ragab if he knows what an emergency light is. Det. Ragab responds, “No, but when a livery driver does this to me—” and begins mimicking § 87(2)(b)'s hand gesture, “I thought you were in distress.”

Field work was conducted on July 10, 2019. Video of § 87(2)(b)'s taxi reveals its hazard lights

are located on the front and back of the vehicle, not on the roof (**Board Review 05, Board Review 06**).

Except for routine checks to enforce automobile regulations, an officer must possess reasonable suspicion that its occupants were, are, or about to engage in a violation of law, to justifiably stop a vehicle. Reasonable suspicion is defined by the courts as “the quantum of knowledge sufficient to induce an ordinarily prudent and cautious man under the circumstances to believe that criminal activity is at hand.... The requisite knowledge must be more than subjective; it should have at least some demonstrable roots. Mere ‘hunch’ or ‘gut reaction’ will not do.” People v. Sobotker, 43 N.Y.2d 559, 564 (N.Y. 1978) (**Board Review 07**).

Det. Ragab’s basis for conducting the vehicle stop was solely that he observed flashing lights that he mistook to be hazard lights, an unclear hand gesture, and a passenger in the backseat of the taxi.

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Abuse of Authority: Detective Khalid Ragab threatened to arrest § 87(2)(b)

The dashcam footage reveals that Det. Ragab tells § 87(2)(b) he pulled him over because he thought there was an emergency, to which § 87(2)(b) responds, “No, no, no.” Det. Ragab orders § 87(2)(b) to produce his license, registration, and insurance. § 87(2)(b) refuses, and asks for Det. Ragab’s photo identification. Det. Ragab refuses, and says he will ask § 87(2)(b) for his license, registration, and insurance one more time or § 87(2)(b) will be “going to jail.” § 87(2)(b) again asks to see Det. Ragab’s photo ID, and Det. Ragab displays his shield. Det. Ragab threatens to arrest § 87(2)(b) one more time before § 87(2)(b) complies and produces his license.

Det. Ragab testified that he asked § 87(2)(b) for his documents per protocol, as it was a “full-on car stop,” and that refusal to provide it is an arrestable offense. § 87(2)(b) testified that because Det. Ragab was dressed in plainclothes, was not initially wearing a shield, and was driving an unmarked vehicle, he did not know if Det. Ragab was a member of service and therefore did not want to produce identification.

According to New York Vehicle Traffic Law, Sections 319(3), 401(4), and 507(2), the operator of a motor vehicle must provide his license, registration, and proof of insurance to a police officer upon request. The operator’s failure to provide this documentation is presumptive evidence that he is driving without required documentation, an arrestable offense (**Board Review 08**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 09**).
- Det. Ragab has been a member of the NYPD for 18 years. He has been a subject in 5 additional complaints and 11 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of December 24, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**Board Review 10**).
- § 87(2)(b)

Squad No.: 13

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date